

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

CHRIS GILMER

PLAINTIFF

v.

Civil Action No. 3:03-cv-373WS

DREAM, INC. and CENTRAL SCHOOL
SUPPLY COMPANY

DEFENDANTS

ORDER

Before the court is the joint motion by defendants for reconsideration of this court's March 28, 2005 order granting partial summary judgment [**docket # 46**]. This matter originated in the Eastern Division of the Southern District of Mississippi under Civil Action No. 4:02-cv-416LN and was transferred intra-district to the Jackson Division on March 6, 2003. For the reasons stated below, said motion is granted.

Defendants ask this court to address the substance of defendant Central School Supply Company's ("Central School") motion for summary judgment even though this motion was never placed in the Clerk of Court's file. While defendant Central School has produced a copy of its motion for summary judgment, which bears a filed stamp by the Clerk of Court, said motion does not appear physically in the official file. Instead, defendant DREAM, Inc.'s ("DREAM") motion for summary judgment appears physically in the official Clerk of Court's file even though the docket sheet reflects that defendant Central School filed this motion. Further, it is defendant DREAM's motion that the court addressed in its March 28, 2005 order.

Given the confusion created by the conundrum articulated above, this court hereby grants defendants' motion for reconsideration. Plaintiff is not to consider this court's

March 28, 2005, order as a final disposition of the issues therein articulated since the court did not have the benefit of reviewing defendant Central School's motion for summary judgment at that time.

SO ORDERED, this the 19th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

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